

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MICHIGAN**

| | | |
|------------------------------|---|----------------------------------|
| CLARITY SPORTS INTERNATIONAL |) | |
| LLC and JASON BERNSTEIN, |) | No. 2:20-MC-51484 |
| |) | |
| Petitioners, |) | District Judge George C. Steeh |
| v. |) | Magistrate Judge Patti |
| |) | |
| KENNY GOLLADAY, |) | Arising from Civil Action No. |
| |) | 1:19-cv-305-YK, pending in |
| Respondent. |) | the United States District Court |
| | | For the Middle District of |
| | | Pennsylvania |

PETITIONERS' BILL OF FEES AND COSTS

Petitioners Clarity Sports International LLC and Jason Bernstein (“Petitioners”) submit this sworn bill of fees and costs to recover their expenses as provided in the Court’s October 25, 2021 Order (the Order). (ECF 23, PageID.1087). Petitioners request an award of \$20,688 against Respondent Kenny Golladay, which consists of \$20,365 in attorneys’ fees and \$323 in costs.

The Court has already entered the Order finding the Golladay should be sanctioned for his non-compliance with Petitioners’ subpoena. The Court held that Petitioners are entitled to their attorneys’ fees and costs related to their efforts to secure Golladay’s compliance, specifically their expenses “incurred in drafting their second motion to compel compliance with the subpoena (ECF No. 7), drafting the instant motion (ECF No. 10) and related briefing, and arguing the instant motion at

the September 28, 2021 hearing.” (*Id.*) Petitioners will thus not restate the bases on which they are entitled to reimbursement.

Honigman LLP served as Petitioners’ local counsel for this matter. Petitioner’s lead counsel for the underlying litigation is Dowd Bennett LLP. Honigman’s work and fee request is further supported by the attached Declaration of Jeffrey K. Lamb. Dowd Bennet’s work and fee request is further supported by the attached Declaration of John D. Comerford. Exhibit A to Mr. Lamb’s declaration is list of time entries for Honigman’s work on the specific issues for which the Court ordered Golladay to reimburse fees and costs. Exhibit A to Mr. Comerford’s declaration is a list of time entries for Dowd Bennett’s work on those issues. On both exhibits, entries have been redacted or omitted if they are not related to the matters for which the Court has ordered fee reimbursement.

The chart below summarizes the time that each Honigman attorney spent working on matters for which Petitioners are entitled to recovery. This summary is derived from Exhibit A to Mr. Lamb’s declaration.

| Professional | Title | Rate (Ex. A at 2) | Hours | Total |
|---------------------|------------------------|------------------------------|--------------|-----------------|
| J. Lamb | Partner | \$580.00 | 4 | \$2,320 |
| A. Clark | Partner | \$455.00 | 19.25 | \$8,759 |
| N. Burandt | Associate, 2nd-year | \$350.00 | 11 | \$3,850 |
| Total | | | 34.25 | \$14,929 |

The chart below summarizes the time that each Dowd Bennet attorney spent working on matters for which Petitioners are entitled to recovery. This summary is derived from Exhibit A to Mr. Comerford's declaration.

| Professional | Title | Rate (Ex. A at 2) | Hours | Total |
|---------------------|--------------|------------------------------|--------------|----------------|
| J. Comerford | Partner | \$420.00 | 7.8 | \$3,276 |
| J.B. Martin | Associate | \$300.00 | 7.2 | \$2,160 |
| Total | | | 15.0 | \$5,436 |

In calculating an award of attorneys' fees, the court should multiply the number of hours reasonably expended on the litigation by a reasonable hourly rate. *U.S. Structures, Inc. v. J.P. Structures, Inc.*, 130 F.3d 1185, 1193 (6th Cir. 1997). Given the nature of Golladay's violations, occurring over several months and necessitating multiple motions, a total of 49.25 attorney hours is reasonable under the circumstances. See "Declaration of Jeffrey K. Lamb" and "Declaration of John D. Comerford." The attorney rates for this matter are also reasonable, taking into consideration the Economics of Law Practice, 2020, <https://www.michbar.org/file/pmrc/articles/0000155.pdf> data on reasonable attorneys' fees in the Downtown Detroit area. Lamb Decl. at ¶ 10.

In addition, Petitioners incurred costs in this matter for which they should be reimbursed as follows:

- \$49 for filing fees

- \$92.09 for Westlaw charges
- \$18.03 in FedEx charges for delivering courtesy copies
- \$164.25 in transcript preparation fees

These costs are derived from Exhibit A and total \$323.

For the foregoing reasons, Petitioners respectfully request that the Court enter an order requiring Golladay to reimburse them \$20,688, the total amount of attorneys' fees and costs associated with the work for which the Court previously ordered sanctions.

Dated: November 8, 2021

Respectfully submitted,

HONIGMAN LLP
Attorneys for Petitioners

/s/ Andrew W. Clark
HONIGMAN LLP
Jeffrey K. Lamb (P76738)
Andrew W. Clark (P79165)
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226-3506
313.465.7282
jlamb@honigman.com
aclark@honigman.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Clerk on November 8, 2021, via the ECF system, which will send a copy to all counsel of record.

/s/ Andrew W. Clark
41460870.1